

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re Application of

PNC BANK, N.A.,

For an Order Authorizing Alternative Means of
Service of Subpoenas and Issuance of Subpoenas
Related to a New York Limited Liability Company

Case No. 21 Misc. _____

**APPLICATION OF PNC BANK, N.A. FOR ORDER AUTHORIZING ALTERNATIVE
MEANS OF SERVICE OF SUBPOENAS AND ISSUANCE OF SUBPOENAS**

Applicant PNC Bank, N.A. (“PNC”), by and through its undersigned counsel, McGlinchey

Stafford PLLC, along with a Memorandum of Law, the Declaration of Helen Mosothoane dated July 27, 2021, and accompanying exhibits, respectfully submits this Application for judicial assistance in serving documents and deposition subpoenas (“California Subpoenas”) issued in a federal proceeding pending in California (“California Proceeding”), and issuance of documents and deposition subpoenas (“NY Subpoenas”) by the clerk of this Court. PNC seeks to serve the subpoenas on Dreambuilder Investments, LLC (“Dreambuilder”), a defendant in the California Proceeding and limited liability company organized under the laws of the State of New York, and Peter J. Andrews (“Mr. Andrews,” and together with Dreambuilder, the “Respondents”), a non-party who is an officer of Dreambuilder.

Respondents reside within this District. The documents and testimony sought from the Respondents are relevant to the issues in the California Proceeding.

PNC brings this application (the “Application”) because it has been unable to personally deliver the California Subpoenas on Respondents despite its diligent efforts. Accordingly, for the reasons set forth in the accompanying Memorandum of Law and Declaration of Helen Mosothoane (together with its accompanying exhibits), PNC respectfully requests that the Court issue an order:

(1) granting this Application; (2) authorizing PNC to serve the California Subpoenas on Dreambuilder and Mr. Andrews via certified mail and first-class mail; (3) authorizing PNC to serve the California Subpoenas on Mr. Andrews (in both his individual capacity and as an officer of Dreambuilder) via his e-mail address; and (4) authorizing the Deputy Clerk of this Court to issue the NY Subpoenas in substantially similar form as the California Subpoenas so that it may be served on the New York Department of State.

Dated: New York, New York
July 30, 2021

MCGLINCHEY STAFFORD PLLC

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